

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

SALVADOR JIMENEZ,  
TDCJ-CID No. 00870962,

Petitioner,

v.

2:25-CV-018-Z-BR

DIRECTOR, TDCJ-CID,

Respondent.

**ORDER ADOPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION**

Before the Court are the Findings, Conclusions, and Recommendation ("FCR") of the United States Magistrate Judge to dismiss this case without prejudice for failure to prosecute. ECF No. 19. Objections to the FCR have been filed. ECF No. 20.

After making an independent review of the pleadings, files, records, and objections in this case, the District Judge **OVERRULES** Petitioner's Objections (ECF No. 20) and concludes that the FCR of the Magistrate Judge is correct. ECF No. 19. It is therefore **ORDERED** that the FCR of the Magistrate Judge is **ADOPTED** and this case is hereby **DISMISSED** without prejudice. Petitioner's Motion for Leave to Proceed *In Forma Pauperis* ("Motion") (ECF No. 21) is **DENIED as moot**.

**LEGAL STANDARD**

A party may serve and file objections to a non-dispositive magistrate judge's order "within 14 days after being served with a copy." FED. R. CIV. P. 72(a). For these timely objections, "[t]he district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to." FED. R. CIV. P. 72(b)(3). However, for objections that are not filed within the 14-day period, the Court reviews the Magistrate

Judge's findings and recommendations only for plain error. *Serrano v. Customs & Border Patrol, U.S. Customs & Border Prot.*, 975 F.3d 488, 502 (5th Cir. 2020).

#### ANALYSIS

Petitioner has filed Objections to the Magistrate's FCR (ECF No. 20), as well as a Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 21). The Court discusses Petitioner's Objections first. Petitioner's Objections are untimely, as they were not filed within the applicable 14-day period set by the Federal Rules of Civil Procedure. FED. R. CIV. P. 72. Accordingly, the Court reviews the Magistrate's FCR only for plain error. *Serrano*, 975 F.3d at 502. Petitioner does not appear to make any specific objections to the Magistrate Judge's FCR. See ECF No. 20 (stating only that Petitioner "objects to Magistrate's recommendations" and has "exercise[d] good faith in sending it"). Objections to the FCR must be "specific" and "put the district court on notice of the urged error." *Williams v. K&B Equip. Co.*, 724 F.2d 508, 511 (5th Cir. 1984). Where a party objecting to the FCR fails to assert specific objections, the district court need not consider frivolous, conclusive, or general objections. See *Battle v. U.S. Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987). Just so here. Because Petitioner's statements fail to assert specific objections and do not indicate that the Magistrate's FCR demonstrates plain error, Petitioner's Objection is **OVERRULED**.

The Magistrate's FCR notes that Petitioner "has known since January 21, 2025, that he needs to either pay the filing fee or submit an IFP application in order to proceed in this case. He has done neither." ECF No. 19 at 2. Accordingly, the Magistrate recommends dismissal without prejudice under Federal Rule of Civil Procedure 41(b) unless Petitioner complies with the Magistrate's Second Deficiency Order (ECF No. 10). *Id.* ("Dismissal without prejudice under Rule 41(b) is appropriate here. Jimenez's failure to comply with the Court's Orders appears to reflect an intent to abandon this lawsuit rather than to create

purposeful delay.”). Petitioner’s Motion fails to comply with the Magistrate’s Second Deficiency Order, as it is not properly formatted on the appropriate *In Forma Pauperis* Data Sheet, it has not been certified as to accuracy, and it has not been signed by an authorized official of the institution. Thus, Petitioner has failed to properly comply with the Magistrate’s Order during the time allowed for FCR objections. Dismissal is appropriate here.

**CONCLUSION**

For the foregoing reasons, Petitioner’s Objections (ECF No. 20) are **OVERRULED**. The Court **ADOPTS** the FCR of the Magistrate Judge (ECF No. 19) and **DISMISSES** this case without prejudice. Petitioner’s Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 21) is **DENIED as moot**.

**SO ORDERED.**

May 22, 2025

  
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MATTHEW J. KACSMARK  
UNITED STATES DISTRICT JUDGE